

COASTAL CONSERVANCY

Staff Recommendation
May 18, 2005

BEAR VALLEY CREEK WATERSHED ENHANCEMENT PLAN

File No. 05-018
Project Manager: Michael Bowen

RECOMMENDED ACTION: Authorization to disburse up to \$225,000 to the Point Reyes National Seashore Association to develop a watershed enhancement plan for the Bear Valley Creek watershed at Point Reyes National Seashore.

LOCATION: Bear Valley Creek, Point Reyes, Marin County (Exhibit 1).

PROGRAM CATEGORY: SF Bay Conservancy Program and Resource Enhancement

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31160-31164 and 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred twenty-five thousand dollars (\$225,000) to the Point Reyes National Seashore Association (“Association”) to develop a watershed enhancement plan for the Bear Valley Creek watershed, subject to the condition that, prior to disbursement of any funds, the Association shall submit for the review and approval of the Executive Officer of the Conservancy a work plan, schedule, budget, and the names of any contractors to be employed for preparation of the enhancement plan.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160-31164) regarding the protection and enhancement of resources in the San Francisco Bay Area.

2. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-31270) regarding the enhancement of coastal resources.
3. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 25, 2001.
4. The Point Reyes National Seashore Association is a non-profit organization existing under section 501(c)(3) of the Internal Revenue Service code whose purposes are consistent with Division 21 of the Public Resources Code.”

PROJECT SUMMARY:

The proposed project provides for the planning and design of fish barrier removal and other resource enhancement projects throughout the Bear Valley creek watershed. By evaluating natural channel process, fish habitat, and fish passage through existing road crossings on Bear Valley Creek, the project will identify all structures and areas that impede natural channel processes and impair the biological productivity of salmonids within the watershed. The final report will include a technically detailed description of the channel and watershed’s hydrologic function, fish habitat, and a list of priority restoration areas, as well as ready-to-build designs and permit application materials for specific fish passage improvement and habitat enhancement projects throughout the watershed. The Association will provide all necessary NEPA/CEQA documentation, as well as all permits, consultations, and consistency determinations as part of the Bear Valley Creek Enhancement Plan.

The objective of the project is to restore in a timely fashion a healthy population of coho salmon and steelhead to Bear Valley Creek, the most visible stream within Point Reyes National Seashore and to provide ample opportunities for visitor education related to the nature and status of salmonids along the California Coast.

The enhancement potential for Bear Valley creek is high for a variety of reasons. First, the watershed already meets the general criteria for coho salmon use. Coho are prevented from using the creek by a series of barriers to fish passage, including large gravel deposits that have resulted from the inappropriate placement of culverts and other stream crossings. Second, the National Seashore is conducting a variety of other enhancement measures nearby, such as the Olema Marsh and Giacomini Wetland restorations, that will further improve nearby habitat. Last, and perhaps most importantly, the proximity of relatively stable coho and steelhead populations in the Lagunitas creek watershed promise rapid recolonization, and the presence of a remnant landlocked population of steelhead in the upper watershed indicate healthy habitat available once connectivity to Tomales Bay is established.

In order to achieve this objective, the Association proposes to prepare an enhancement plan that will identify opportunities to remove, replace, or consolidate marginal stream crossings with facilities that meet park operations and visitor access needs. These will meet state and federal fish passage criteria, thereby restoring natural hydrologic process and connectivity to Tomales Bay. The Association will also plan for the restoration and enhancement of riparian habitat,

preparing for activities that improve habitat for fisheries as well as neotropical migratory birds and other species. In anticipation of project implementation, the Association will provide all necessary NEPA/CEQA documentation, as well as all permits, consultations, and consistency determinations as part of the Bear Valley Creek Enhancement Plan.

Enhancement plans will be developed consistent with the provision of interpretive and educational opportunities regarding watershed restoration and fisheries near park visitor facilities. Bear Valley is the main park Visitors' Center, with an average Visitors Center visitation of 5,000 per day, and the Bear Valley trail provides the main walking and equestrian access to the central portion of the park. The Earthquake Trail is fully accessible and has two creek bridge crossings allowing for potential viewing areas. Bear Valley Creek is the most visible stream within Point Reyes National Seashore and provides ample opportunity for visitor education related to the plight of salmonids along the California Coast.

Project History: Tomales Bay and its 232 square mile watershed are remarkable for their beauty and diversity of wildlife. The Coastal Conservancy has made substantial commitments over the years to protecting and enhancing this resource.

Through acquisitions and easements, the Conservancy, largely in partnership with the Marin Agricultural Land Trust, has helped protect from development thousands of acres of agricultural land in West Marin.

A Conservancy authorization to the Marin Resource Conservation District in 1991 enabled the RCD and its partner the Tomales Bay Watershed Council to complete a watershed assessment for Tomales Bay. This, in turn, led to the Conservancy's disbursement of \$600,000 in 2001 to the Marin Resource Conservation District to implement the Tomales Bay Watershed Enhancement Program, guided by 16 restoration practices outlined by the Marin Coastal Watersheds Permit Coordination Program.

The Conservancy also granted sixty-five thousand dollars to the County of Marin to conduct an assessment of barriers obstructing passage of anadromous fish within the coastal watersheds of Marin County. Some of the barriers identified in the 2002 report are those now proposed for further analysis prior to modification or removal.

Point Reyes National Seashore staff initially contacted Conservancy staff in 2004 regarding the proposed project, and Conservancy staff has worked with National Seashore staff and the Association over the last year to develop the goals, objectives, and terms of the proposed grant.

PROJECT FINANCING:

Coastal Conservancy	\$225,000
Point Reyes National Seashore Association (<i>Biological and Technical Services</i>)	\$86,000
Total Project Cost	\$311,000

The expected source of Conservancy funds for this project is the appropriation to the Conservancy from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12), Coastal Salmon Funds. The Point Reyes National Seashore will provide approximately \$86,000 of in-kind contributions in the form of data collection, technical analyses, project design, and permit material preparation for pre-implementation planning purposes.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is undertaken pursuant to Chapter 4.5 and Chapter 6 of Division 21 of the Public Resources Code (Sections 31160-31164 and Sections 31251-31270, respectively), as follows:

Pursuant to Section 31162(b), the Conservancy is authorized to protect, restore, and enhance watersheds within the nine county San Francisco Bay Area. Consistent with this section, the proposed project will enhance a Marin County watershed of tremendous importance for anadromous salmonids.

Pursuant to Section 31162(d), the Conservancy shall promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes. The planning for the enhancement of an anadromous fish bearing stream and associated interpretive and educational opportunities serves this purpose.

Pursuant to Section 31163(d) the "Conservancy shall utilize the criteria specified in this subdivision to develop project priorities for the San Francisco Bay Area Conservancy Program that provide for development and acquisition projects...." The proposed project (1) is supported by adopted local plans; (2) serves a regional constituency; (3) can be implemented in a timely way; (4) provides opportunities for benefits that could be lost if the project is not quickly implemented; and (5) includes matching assistance from other sources.

Pursuant to Section 31251, the Conservancy may award grants to local public agencies and non-profit organizations for the purpose of enhancement of coastal resources which, because of human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Consistent with this section, the proposed authorization provides funds to the Association to enhance coastal fishery resources disturbed by incompatible land uses, such as inappropriate culvert installation.

Pursuant to Section 31252, all areas proposed for resource enhancement should be identified in a certified local coastal plan or program as requiring public action to resolve existing or potential resource problems. Though not specifically mentioned, Bear Valley creek meets the criteria of coastal streams established within the Unit II LCP for Marin County, and is therefore subject to the protections, goals, and objectives afforded by Section 30231 of the Coastal Act which establishes that "the biological productivity and the quality of coastal waters...shall be maintained and, where feasible, restored...." (LCP II-II, p. 56).

Finally, pursuant to Section 31253, “(the) Conservancy may provide up to the total of the cost of any coastal resource enhancement project....” and the amount of the Conservancy contribution shall be determined only after an assessment of funding generally available and other factors. The proposed contribution by the Conservancy was determined based on application of priority criteria, as discussed below, and after taking into account other available resources and the matching contributions to the project by other funding sources.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 6 Objective A** of the Conservancy's Strategic Plan, the proposed project will contribute to the development of approximately 70 plans and projects that preserve and restore coastal watersheds and create river parkways.

Consistent with **Goal 6 Objective A(1)** of the Conservancy's Strategic Plan, the proposed project will leverage the results of the recently completed study of barriers to fish passage, through the implementation of projects to improve habitat for anadromous fish. The proposed authorization will enable the Conservancy, in concert with the grantee, to prepare to increase available habitat for aquatic species, notably salmon, by planning to remove instream barriers to their free migration. By employing the Conservancy's recently completed report, “An Inventory of Barriers to Fish Passage in California's Coastal Watersheds,” as well as the expertise of the grantee, the Conservancy will ensure measurable increases in available habitat and, presumably, measurable increases in anadromous fish populations within and above the project areas.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the “Consistency with Conservancy's Enabling Legislation” section above.
2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.
3. **Support of the public:** Supporters of this project include the Point Reyes National Seashore Association, National Park Service: Point Reyes National Seashore, the Department of Fish and Game, the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration: Fisheries, the County of Marin, and others. Letters of support are included in Exhibit 2.
4. **Location:** Bear Valley Creek watershed is located in the northern portion of the Olema Valley in western Marin County. The nearest town is Olema, which is considered the epicenter of the 1906 earthquake that devastated San Francisco. Most of the Bear Valley Creek watershed is located within Point Reyes National Seashore ownership. The upstream portions of the creek parallel one of the Seashore's most popular trails, Bear Valley Trail,

before flowing through private lands owned by the Vedanta Society. The creek then flows through the Seashore's administrative headquarters area. From the Seashore's administrative headquarters to its confluence with Lagunitas Creek, the creek parallels Bear Valley Road and the geologic "shutter ridge" that separates Bear Valley Creek from Olema Creek. The downstream portion of the watershed ends in Olema Marsh, a large freshwater marsh that is jointly owned by NPS and Audubon Canyon Ranch, a non-profit organization. From there, Bear Valley Creek flows underneath Levee Road or Sir Francis Drake Boulevard through Wildlife Conservation Board lands that are leased by the County of Marin Parks and Open Space District. The creek is culverted in numerous locations, including in the upper portion of the watershed along Bear Valley Trail, in the NPS administrative headquarters area, and underneath Bear Valley and Levee Road.

5. **Need:** The proposed project provides a much-needed augmentation to the Park Service's ambitious enhancement program, and ensures the timely implementation of an important coho salmon restoration opportunity.
6. **Greater-than-local interest:** Current restoration efforts underway at the Giacomini Wetlands and Olema Marsh, projects of national significance, are planned for implementation in 2006. Bear Valley Creek is identified as a priority site in The Recovery Strategy for California Coho Salmon, Recommendation BM-LA-08, which states "consider restoration of Olema Marsh, Bear Valley Creek, and the mouth of Olema Creek, to benefit coho salmon. The restoration should provide rearing habitat refuge during high flows, habitat protection, and food production. Hydrologic connectivity between marshes should be restored."

Additional Criteria

7. **Urgency:** Coho salmon are currently at 6 to 15% of their abundance during the 1940s. Given this decline, and in light of the State Recovery Strategy's primary objective of returning coho salmon to a level of sustained viability, while protecting their genetic integrity, enhancement projects with a high potential for recovering local populations of coho salmon are a high priority for the State.
8. **Leverage:** See the "Project Financing" section above.
9. **Innovation:** Opportunities to enhance entire watersheds are rare, and usually prohibitively expensive. Such opportunities are particularly unusual in areas where the entire watershed is protected by its ownership status. This novel approach to provide a comprehensive and achievable watershed enhancement plan less than an hour from a major metropolitan area is as rare as it is appealing.
10. **Readiness:** The project applicant has demonstrated that it has the expertise, local public support, and administrative capability necessary to commence and complete the project in a timely fashion.
11. **Realization of prior Conservancy goals:** The Conservancy has worked with a variety of partners to explore options for protecting and improving aquatic and terrestrial habitat in and around Tomales Bay, including numerous acquisitions, easements, and funding a Tomales

Bay Watershed Management Plan. Water quality protection and fishery enhancement are key objectives of this Plan.

12. **Cooperation:** National Park staff, the County, community members, agency officials, and others have all expressed support for, and a willingness to, cooperate with the grantee in accomplishing the project.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Most of the project area is located on National Seashore property. The federal Coastal Zone Management Act of 1972 provides that federal lands be legally excluded from the coastal zone and thus exempted from a state's coastal planning and regulatory jurisdiction. However, the federal act also provides that federal activities within the coastal zone boundary must be consistent with a state's coastal management program, and advises that federal activities be evaluated through the Coastal Commission's consistency review process. Those portions of the project outside of the Seashore boundaries must be found consistent with LCP.

The Unit I LCP for Marin County provides that federal policies and programs for lands in Marin be evaluated as a whole in the Unit II LCP, which also addresses non-federal policies and programs for the project area, and for areas within the coastal zone boundary.

The proposed project will result in the development of an enhancement plan for the Bear Valley Creek watershed, a plan that will propose to enhance the scenic values and wildlife habitat value of the watershed. The proposed project is therefore consistent with the Coastal Act, sections 30231 and 30251, as follows.

Coastal Act Section 30231 states that "(t)he biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained, and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams." By planning for the reversal and correction of inappropriate land use practices, the proposed project will expand, protect and enhance the aquatic and riparian habitat of Bear Valley creek for the benefit of federally listed salmonids and migratory songbirds. The propose project is therefore consistent with this section.

Section 30251 of the Act states, in part, that "(t)he scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." The proposed project will provide plans for the protection and enhancement of an already scenic coastal area by planning for the restoration of hydraulic connectivity for Bear Valley creek to Tomales Bay, and providing for the restoration of historic tidal wetland areas in Olema Marsh and the Giacomini Wetlands.

The non-federally-owned project area is within the Coastal Zone of Marin County. The Marin County Local Coastal Program Unit 2 Land Use Plan identifies Marin's numerous coastal zone

streams and creeks as sensitive habitats for many species of birds and fish. Lagunitas Creek's runs of coho and steelhead are specifically highlighted (The Marin County Local Coastal Program Unit 2 Land Use Plan, Pg. 65).

Freshwater inflows, sedimentation, water pollution, and protection of riparian habitats are identified as the key concerns for protecting the aquatic resources of the Lagunitas Creek watershed, and the Tomales Bay ecosystem into which Lagunitas flows (ibid, pp. 66-67). Because the proposed project will provide plans to restore salmonid access to and hydraulic connectivity for the Bear Valley creek watershed, re-create riparian habitat where it has been lost, restore the natural meander and in stream habitat of the project area, improve sediment flushing by restoring natural geomorphologic processes, and open up previously unavailable habitat, the proposed project is entirely consistent with the Local Coastal Program Policies.

COMPLIANCE WITH CEQA:

Preparation of the enhancement plan involves only data gathering, planning, and feasibility analyses for possible future actions and is thus statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §15262.

Staff will file a Notice of Exemption upon approval.